

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR 4669/2017(O&M)

Date of decision:08.08.2017

Bachan Kaur and others

.....Petitioners

v.

Tara Singh and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.SK Chaudhary,Advocate for the petitioners.tenants.

Jaswant Singh,J,(Oral).

Petitioners/tenants are members of the same family residing in the demised premises measuring $3\frac{3}{4}$ marlas situated within Abadi area of Ward No.9, Tanda, property no.320 as per Municipal Committee record. The respondent/landlord Tara Singh filed an eviction petition on 16.9.2009 under Section 13 of the East Punjab Urban Rent Restriction Act,1949, seeking their eviction on the grounds of (i) non-payment of rent since 4.8.2003 at the rate of Rs.1000/- per month,(ii) unauthorized additions and alterations; and (iii) source of nuisance. Since upon notice the tenants failed to appear, they were proceeded against ex parte. The Rent Controller, Dasuya vide ex parte judgment dated 16.8.2012 ordered the eviction of the petitioners on the ground of non-payment of arrears of rent. Petitioners-tenants filed an appeal on 6.10.2015 alongwith an application for condonation of delay of almost three years in filing the same before the Appellate Authority, Hoshiarpur.

The Appellate Authority,Hoshiarpur found that the tenants

were in the knowledge of ex parte eviction decree dated 16.8.2012 before 13.12.2013, however, they had chosen to file the appeal alongwith an application for condonation of delay with the false averments that knowledge of the ex parte eviction decree dated 16.8.2012 was acquired on 3.10.2015 and thereafter the proceedings were filed on 6.10.2015 before the Appellate Authority. Thus, vide impugned order dated 2.2.2017 Appellate Authority, Hoshiarpur dismissed appeal on limitation and also at the time of hearing, counsel for the petitioners/tenants has failed to demonstrate as to how the tenants were illegally or erroneously proceeded ex parte before the Rent Controller, Dasuya. In fact he is unable to even show the date on which they were proceeded ex parte. That apart, he has not been able to dislodge the finding of the Appellate Authority that the tenants had acquired the knowledge of ex parte decree before 13.12.2013 and still waited for almost two years to file an appeal and an application for condonation of delay before the Appellate Authority.

For the reasons stated above, the present revision petition is dismissed.

08.08.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No